

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/672,363

Applicant(s)

MILLER, JOHN WILLIAM

Examiner

Art Unit

John Cooney

1796

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 19 March 2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The claim as acknowledged in appellants' submission correspond to the claims submitted in the Claim Appendix of the Appeal Brief received 1-12-07. Further, the claims accompanying appellants' submission and the claims contained in the Claim Appendix of the Appeal Brief received 1-12-07 correspond to the claims that were considered by the examiner the the time the Examiner's Answer mailed 5-15-07 and the final Office action mailed 6-27-06 were issued by the examiner.

/John Cooney/
Primary Examiner, Art Unit 1796